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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,545	05/30/2001	Kunihiko Tanaka	01318/LH	1055

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,545

Applicant(s)

TANAKA

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Election/Restrictions

Claims 21-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4/13/04.

Drawings

The drawings are objected to because the boxes 1,41-43 need to be identifies using textual identifiers. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4, 6, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trimble in view of FR 2758637.

Trimble discloses reading units, arranged in customers' tables, respectively, for reading order identifying information of meal tickets of customers (indicators 39 are

read as the reading means and the overall selection is read as the "ticket"); transmitting means for transmitting cooking information including the order identifying information read by the respective reading unit and a seat number identifying information on the table in which the reading unit is arranged (the electric circuits col. 4 line 20 are read as the transmitting means which as set forth in col. 4 line 22 also transmit seat identification information to the kitchen); cooking information informing means for informing at least either of a cook and a cooking director of at least the order identifying information and the seat number identifying information of the cooking information transmitted by the transmitting means (read as the master indicator col. 4 lines 21-28) .

However, Trimble does not disclose a customer-operated automatic meal ticket dispenser which accepts a customer-initiated order, corresponding to order identifying information, and which dispenses a meal ticket, the dispenser including first transmitting means for transmitting the order identifying information of the meal ticket proximate the time the order is placed. However, FR'637 does disclose using a ticket to electronically access a meal dispensing unit via a validation unit or reader. The system is contemporaneous with the meal dispensing feature and hence reads on the limitation of "transmitting the order identifying information of the meal ticket proximate the time the order is placed." It would be obvious to modify the system in Trimble to include the ticket dispenser and validator (reader) of FR '637 the motivation for which is the on time delivery of food to the customer.

Re claim 2: a food and drink carrier container (read as the tray col. 4 line 25-34) and identifying information imparting means for imparting the seat number identifying information to the food and drink carrier container (is read as the timing means which correlates the tray with a designated seat).

Re claim 4: Trimble discloses a conveying means at delivery conveyor col. 4 line 28.

Re claim 6: guide means is read as the door opening mechanism described in col. 7. which when it opens door 26 announces the arrival of the tray.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,5,7, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trimble in view of FR'637 as et forth above and further in view of Barbieri and Walker et al. Trimble discloses a reading units, arranged in customers' tables, respectively, for reading order identifying information of meal tickets of customers as set forth above and transmitting means for transmitting cooking information including the order

identifying information read by the reading unit and a seat number identifying information on the table in which the reading unit is arranged,

However not disclosed in Trimble is an automatic cooking unit for automatically cooking an ordered food and drink in accordance with the order identifying information of the cooking information transmitted by the transmitting means. Barbieri does disclose such a machine. It would be obvious to modify the device in Trimble with the device in Barbieri to eliminate the manual cooking step because this would allow more consistent results.

Trimble does not disclose a seat number identifying information imparting means for imparting the seat number identifying information to the automatically-cooked-food-and-drink carrier container (read as a the tray) in accordance with the seat number identifying information of the cooking information transmitted by the transmitting means. However, Walker et al. (col. 6, lines 20-37) do disclose such a labeling device which affixes labels identifying items which are to be applied to a specific human. It would be obvious to modify the device in Barbieri to include such a labeling device to attach to the trays so that the tray with the ordered food will be sent to the correct person just as the right drug would be administered to the right person in Walker et al.

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RE claims 15-18 the customer in FR 637 orders prior to being seated by virtue of its rapidity of dispensing.

RE claims 19 and 20: the dispenser in FR'637 requires payments before dispensing food.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to **PRIMARY EXAMINER Joseph A. Fischetti** at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to read "J A Fischetti", with a long horizontal stroke extending to the right.